

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill provides the Pasco County Mosquito Control District with authority pursuant to ch. 388, F.S, Mosquito Control.

B. EFFECT OF PROPOSED CHANGES:

Background

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in s. 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended s. 189.429, F.S. to provide that reenactment of existing law pursuant to s. 189.429, F.S.: (1) shall not be construed to grant additional authority nor to supersede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Since the enactment of ss. 189.429 and 191.015, F.S. 173 special districts have codified their charters.

Chapter 388, Florida Statutes – Mosquito Control Districts

Chapter 388, F.S., authorizes the creation of mosquito control districts to promote the abatement or suppression of arthropods within any or all counties of the state. The legislative intent of ch. 388, F.S., reads as follows:

“It is declared to be the public policy of this state to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote the economic development of the state, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods.”

Chapter 388, F.S., provides for the creation of districts, formation of district boards, powers, duties, and taxing authority.

West Pasco County Mosquito Control District

The West Pasco County Mosquito Control District (District) was created by circuit court decree in 1951. A resolution of the Pasco County Board of County Commissioners changed the name of the district to the Pasco County Mosquito Control District. It has one special act relating to the compensation of district board members.¹

It is an independent district and currently imposes and collects a maintenance tax pursuant to s. 388.221, F.S.

Proposed Changes

Charter of the District

This bill provides a special act charter for the District. This bill also repeals Ch. 71-839, L.O.F.

The District charter provides for the following:

Section 1: Provides minimum charter requirements in accordance with s. 189.404(3), F.S.

- The District is to be governed by a three-member board; provides staggered four year terms;
- District boundaries are to be the same as those of Pasco County;
- To provide for staggered terms, upon passage of this act, one board member must be elected in the 2006 general election and two board members in 2008. Thereafter, terms will be for 4 years;
- Provides eligibility for compensation, medical insurance or accidental death and dismemberment insurance;
- Provides procedures and requirements, through ch. 189 F.S., and ch. 388 F.S., governing the issuance of bonds, notes, and other evidence of indebtedness by the district;
- Provides procedures for conducting district elections and for qualifications of electors;
- Preserves the District's authority to levy a maintenance tax upon all of the personal and real taxable property in the district.

Section 2: Provides regulations for officers, board compensation, bonds, vacancies, meetings, and a director.

- Establishes officers, authorizes reimbursement for expenses while performing the duties of office;
- States that the Commissioner of Agriculture may appoint a member to the board in the event of a vacancy;

¹ Ch. 71-839, L.O.F

- Provides for the District to be administered by a qualified person who must meet any minimum qualifications established by the Department of Agriculture and Consumer Service for such position;
- Provides reimbursement for expenses incurred while performing duties.

Section 3: Provides the powers of the District, including all powers and duties set forth in ch. 388, F.S., and provides:

- Such powers and duties include any and all things necessary for the control and elimination of all species of mosquitoes and other arthropods of public health importance;
- The District may hold, control, and acquire by gift or purchase for the use of district any real or personal property and may condemn any land or easement needed for the purposes of the District;
- Grants the right of eminent domain.

Section 4: The District can adopt rules not inconsistent with this bill or ch. 388, F.S.

Section 5: The District must prepare an annual budget.

Section 6: The District is authorized to purchase and pay for liability insurance as a legitimate public expenditure.

Section 7: Authorizes the District to provide life, health, accident, hospitalization, or annuity insurance for its employees.

C. SECTION DIRECTORY:

Section 1: Provides legislative intent, pursuant to s. 189.429, F.S.;

Section 2: Recreates and reenacts the charter for the Pasco County Mosquito Control District;

Section 3: Provides for liberal legislative construction;

Section 4: Provides severability;

Section 5: Repeals ch. 71-839, L.O.F.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 6, 2005

WHERE? Pasco Times, Port Richey, Pasco County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

A November 10, 1987 resolution of the Pasco County Board of Commissioners changed the name of the West Pasco County Mosquito District to the Pasco County Mosquito Control District. Given that it is an independent district, an official name change requires a special act of the Legislature.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES